
OLR Bill Analysis

HB 6642 (as amended by House "A")*

AN ACT CONCERNING THE RECOMMENDATIONS OF THE NATIONAL PRISON RAPE ELIMINATION COMMISSION.

SUMMARY:

Within available appropriations, this bill requires state and municipal agencies that incarcerate or detain adult offenders, including immigration detainees, to adopt and comply with the applicable standards recommended by the National Prison Rape Elimination Commission for preventing, detecting, monitoring, and responding to sexual abuse. The agencies covered are prisons, jails, community correction facilities, and lockups.

*House Amendment "A" changes the effective date from October 1, 2011 to October 1, 2012 and eliminates the bill's application to, and specific provisions regarding, juvenile offenders and facilities.

EFFECTIVE DATE: October 1, 2012

STANDARDS

At a minimum, the bill requires the agencies to adopt and comply with the standards on:

1. zero tolerance of sexual abuse and notifying detainees, attorneys, contractors, and inmate workers of this policy;
2. contracting with other entities for the confinement of inmates or detainees;
3. supervising inmates or detainees;
4. heightened protection for vulnerable detainees;
5. limiting cross-gender viewing and searches;

6. accommodating inmates or detainees with special needs;
7. hiring and promotion decisions;
8. assessing and using monitoring technology;
9. adopting evidence protocols and requiring forensic medical examinations;
10. reaching agreements with outside public entities, community service providers, outside law enforcement agencies, and prosecutors;
11. training employees, volunteers, and contractors;
12. educating inmates;
13. specialized training on investigations and medical and mental health care;
14. screening for risk of victimization and abusiveness;
15. establishing reporting procedures for inmates, detainees, and third parties;
16. exhausting administrative remedies;
17. giving inmates access to outside confidential support services or legal representation;
18. establishing reporting duties of staff and facility or agency heads and requiring reporting to other facilities;
19. establishing first responder duties;
20. coordinating responses;
21. protecting inmates or other detainees from retaliation;
22. establishing the duty to investigate incidents, providing for criminal and administrative investigation, and setting the

- evidence standard for administrative investigations;
- 23. establishing disciplinary sanctions for staff and inmates;
- 24. referring detainee-on-detainee sexual abuse for prosecution;
- 25. screening medical and mental health for the history of sexual abuse;
- 26. providing access to emergency medical and mental health services and ongoing medical and mental health care for sexual abuse victims and abusers;
- 27. reviewing sexual abuse incidents;
- 28. collecting and reviewing data for corrective action and providing for data storage, publication, and destruction; and
- 29. auditing the standards.

BACKGROUND

National Prison Rape Elimination Commission

Congress created this commission to study the causes and consequences of sexual abuse in prison and develop standards to eliminate prison rape. The commission submitted its report in June 2009. The report included detailed standards to reduce sexual abuse of offenders in adult prisons and jails, juvenile detention facilities, facilities housing immigration detainees, lock-ups, and community corrections. Its recommendations include:

- 1. improving identification of vulnerable inmates, protecting them without isolating them, and providing rehabilitative programs;
- 2. rigorous internal monitoring and external oversight;
- 3. ensuring that reporting procedures instill confidence in victims and protect them from retaliation;
- 4. thorough and competent investigations;

5. holding perpetrators accountable through administrative sanctions and criminal prosecution; and
6. ensuring victims' immediate and ongoing access to medical and mental health care and supportive services.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 42 Nay 0 (04/14/2011)